

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

JOHN DOE 1, JOHN DOE 2, JOHN DOE 3,
JOHN DOE 4, JOHN DOE 5, JOHN DOE 6,
JOHN DOE 7, JOHN DOE 8, JOHN DOE 9,
JOHN DOE 10, JOHN DOE 11, and JOHN
DOE 12, individually and on behalf of all
others similarly situated,

Plaintiffs,

vs.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION, THE UNIVERSITY OF
SAN FRANCISCO, ANTHONY N. (AKA
NINO) GIARRATANO, and TROY
NAKAMURA,

Defendants.

Case No. 3:22-cv-01559-LB

**STIPULATION REGARDING
DEFENDANTS' DEADLINE TO
RESPOND TO FIRST AMENDED CLASS
ACTION COMPLAINT, SCHEDULE FOR
BRIEFING MOTIONS TO DISMISS, AND
PAGE LIMITS FOR NCAA'S MOTION
TO DISMISS AND PLAINTIFFS'
OPPOSITION BRIEF**

*[Declaration of Carolyn Hoecker Luedtke
Filed Concurrently Herewith]*

Judge: Hon. Magistrate Laurel Beeler

Trial Date: None Set

Pursuant to Civ. L.R. 6-2 and 7-12, Plaintiffs John Does 1 through 12 (“Plaintiffs”) and Defendants National Collegiate Athletic Association (“NCAA”), the University of San Francisco (“USF”), Anthony N. Giarratano, and Troy Nakamura (collectively, “Defendants,” and together with Plaintiffs, the “Parties”) hereby stipulate as follows:

STIPULATION

WHEREAS, on July 15, 2022, Plaintiffs filed their First Amended Class Action Complaint (“FAC”) in this action;

WHEREAS, pursuant to stipulations between Plaintiffs and the NCAA, USF, and Mr. Giarratano, Defendants’ current deadline to respond to the FAC is August 15, 2022, *see* Dkts. 23, 28, 34; Dkt. 46 (noting that USF “has until 8/15/2022 to appear and file its responsive pleading”);

WHEREAS, on July 25, 2022, the NCAA filed an administrative motion, in which Mr. Giarratano joined, requesting phased briefing on the NCAA’s forthcoming motion to dismiss under Fed. R. Civ. P. 12; requesting in the alternative leave to file oversized briefs in support of that motion; and requesting to set a longer schedule for briefing all motions to dismiss filed by any party, *see* Dkts. 43, 45;

WHEREAS, on July 29, 2022, the Court denied the NCAA’s request for phased briefing but noted that the “parties agree that extra pages beyond the standard twenty-five pages are in order” and directed the parties “to confer and agree to reasonable excess pages and to submit a joint stipulation (or at least, a joint statement that reflects their positions) within a week if possible,” Dkt. 46;

WHEREAS the Parties agree that they would benefit from additional time to fully brief the issues to be addressed in connection with Defendants’ forthcoming motions to dismiss, *see* Luedtke Decl. ¶ 5;

WHEREAS the Parties’ agreed-upon briefing schedule will not impact any motion deadline previously set by the Court and, to the extent it has any effect on the schedule set by this Court for this matter, would affect only the initial case-management conference currently set for September 29, 2022, and the September 22, 2022 deadline for the parties to submit a case-management statement, *see* Dkt. 36; Luedtke Decl. ¶ 7; and

1 WHEREAS Plaintiffs and the NCAA agree that, given the legal issues to be addressed in
2 connection with the NCAA's motion, including personal jurisdiction and venue as well as
3 arguments specific to the twenty different causes of action asserted against the NCAA, the NCAA
4 and Plaintiffs would benefit from, and should have, additional pages for their respective briefing on
5 the NCAA's motion, *see* Luedtke Decl. ¶ 6,

6 THEREFORE, the Parties hereby stipulate and agree as follows:

7 1. Defendants shall answer or otherwise respond to the FAC no later than September
8 12, 2022 (forty-five days from the Court's denial of the NCAA's July 25, 2022 administrative
9 motion, *see* Dkt. 46);

10 2. In the event any Defendant files a motion to dismiss, Plaintiffs' opposition to all
11 such motions will be due no later than October 27, 2022 (forty-five days from Defendants' deadline
12 to respond to the FAC). Any replies in support of any such motions will be due no later than
13 November 11, 2022 (fifteen days from Plaintiffs' opposition being filed).

14 3. The NCAA shall have leave to file an opening brief in support of its motion to
15 dismiss of no more than forty pages.

16 4. Plaintiffs shall have leave to file a brief in opposition to the NCAA's motion to
17 dismiss of no more than forty pages.

18 5. The NCAA shall have leave to file a reply brief in support of its motion to dismiss of
19 no more than twenty pages.

20 SO STIPULATED.

1 DATED: August 5, 2022

Respectfully submitted,

2 MUNGER, TOLLES & OLSON LLP

3
4 By: /s/ Carolyn Hoecker Luedtke

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13 Attorneys for Defendant The National Collegiate Athletic
14 Association

12 DATED: August 5, 2022

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24 Attorneys for Plaintiffs and the Proposed Classes

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2 DATED: August 5, 2022

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Attorneys for Defendant the University of San Francisco

13 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

14 DATED: August ____, 2022

15
16
17 _____
The Hon. Laurel Beeler

FILER'S ATTESTATION

Pursuant to Local Rule 5-1(i)(3), regarding signatures, I, Carolyn Hoecker Luedtke, attest that concurrence in the filing of the document has been obtained from each of the other signatories listed above.

DATED: August 5, 2022

MUNGER, TOLLES & OLSON LLP

By: /s/ Carolyn Hoecker Luedtke
CAROLYN HOECKER LUEDTKE

Attorneys for Defendant The National Collegiate
Athletic Association